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Merrill Communications LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XL SPECIALTY INSURANCE COMPANY,

Plaintiff,

-against -

JOHN R. LAKIAN, DIANE W. LAMM, &
KOBRE & KIM LLP,

Defendants.

Case No. 1:14-cv-05225-AT

ECF Case

**DEFENDANT-INTERVENOR MERRILL COMMUNICATIONS' RESPONSE TO THE
CROSS-CLAIM FILED BY DEFENDANT -INTERVENORS KNOX and DJW**

Defendant-Intervenor Merrill Communications LLC ("Merrill"), by and through its undersigned attorneys, as and for its response to the cross-claim asserted by defendants-intervenors Knox, LLC d/b/a Knox, LLC of New York ("Knox") and DJW Advisors, LLC ("DJW"), hereby:

1. Denies the allegations in Paragraph 9 of the cross-claim, except admits that defendants Knox and DJW purport to repeat and re-allege their prior allegations.
2. Denies knowledge of information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the cross-claim.

3. Denies knowledge of information sufficient to form a belief as to the truth to the allegations in paragraph 11 of the cross-claim.

4. Denies knowledge of information sufficient to form a belief as to the truth to the allegations in paragraph 12 of the cross-claim.

5. Denies knowledge of information sufficient to form a belief as to the truth to the allegations in paragraph 13 of the cross claim, and refers to the Order dated December 8, 2015 for a statement of its terms.

6. Denies knowledge of information sufficient to form a belief as to the truth to the allegations in paragraph 14 of the cross claim, and refers to the Order dated December 8, 2015 for a statement of its terms.

7. States that the allegations in paragraph 15 of the cross claim are legal conclusions as to which no response is necessary.

8. Denies knowledge of information sufficient to form a belief as to the truth to the allegations in paragraph 16 of the cross claim, and refers to XL's Complaint for a statement of its terms.

9. Denies allegations in paragraph 17 of the cross claim.

10. Denies allegations in paragraph 18 of the cross claim.

11. Denies allegations in paragraph 19 of the cross claim.

**INCORPORATION OF DEFENSES ASSERTED
BY CO-DEFENDANTS AND RESERVATION OF RIGHTS**

Merrill hereby incorporates and asserts all defenses raised or alleged by its co-defendants in response to the cross-claim of Knox and DJW. Merrill further reserves the right to assert additional defenses which are unknown at this time but may become known through discovery or otherwise through the course of this action.

WHEREFORE, Defendant-Intervenor Merrill hereby demands that judgment be entered in its favor as follows: (i) dismissing defendant-intervenors Knox and DJW's cross-claim in its entirety with prejudice; and (ii) for such other relief as the Court may deem just and proper.

Dated: January 15, 2015

COSNER YOUNGELSON

By: /s/ Marc D. Youngelson
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TO: All Counsel of Record (via ecf)